

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM DAVID EVANS, JR.,)
)
Petitioner,)
vs.) NO. CIV-14-0576-HE
)
JASON BRYANT, Warden.)
)
Respondent.)

ORDER

Petitioner William David Evans, Jr., a state prisoner appearing *pro se*, filed this action pursuant to 28 U.S.C. § 2254 seeking habeas relief. The court referred the matter to Magistrate Judge Bernard M. Jones for initial proceedings. When neither party objected to the magistrate judge's Supplemental Report and Recommendation ("Report"), the court entered an order and judgment denying the habeas petition. The court subsequently vacated its order and judgment upon learning petitioner had not received the magistrate judge's Report. The clerk mailed petitioner a copy and he was directed to file any objection to it by October 20, 2017. Petitioner was advised that if he failed to make timely objection to the Report he would waive the right to appellate review of the factual and legal issues it addressed.

Petitioner has not objected to the Report or sought an extension of time within which to do so. He thereby waived his right to challenge its findings and conclusions. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C).

Accordingly, the court **ADOPTS** Magistrate Judge Jones's Supplemental Report and Recommendation and **DENIES** the habeas petition. A certificate of appealability is denied

as the court finds petitioner has not made “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated this 26th day of October, 2017.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE